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Held at the Palais des Nations, Geneva,
on Wednesday, 25 March 1998, at 3 p.m.

Chairman: Mr. SELEBI (South Africa)

Later: Mr. HYNES (Canada)

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QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (continued)

The meeting was called to order at 3 p.m.

STATEMENT BY THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS

1. Mr. RICHARDSON (United States of America) said that, while human rights and respect for the dignity and freedom of each human being lay at the heart of his country's experience, the United States did not by any means have a monopoly on human rights, for they were universal. The fiftieth anniversary of the Universal Declaration of Human Rights offered an opportunity to recommit to that universality. Even as the national, ethnic, cultural and linguistic diversity of the world was celebrated, political leaders who sought to cloak themselves in the mantle of cultural or religious tradition or invoked the imperative of economic growth and development to justify abuses of basic rights had to be condemned. Experience showed that sustainable development and sustainable democracy went hand in hand.

2. The United States was committed to the progressive realization of economic and social rights in the context of the protection and promotion of all basic human rights and fundamental freedoms. It understood from its own history that efforts to promote democracy and freedom were ongoing processes; it had seen significant progress had been made in every region and that more than half of the world's population now lived under Governments of their own choosing. The Universal Declaration of Human Rights was now invoked routinely in constitutions and courts and served as a yardstick for human rights practices. At the same time, however, abuses of human rights continued in many countries.

3. In the former Yugoslavia, a fragile peace had slowly begun to take hold in Bosnia since the signing of the Dayton Peace Accords; in Kosovo, however, there was great cause for concern over the serious events in recent weeks during which there had been reports of summary executions by Serbian police. There could be no justification for the shelling of villages, the burning of houses and the murder of innocent men, women and children. The international community must not tolerate the brutal use of force as a means of solving domestic problems. The leaders of the former Republic of Yugoslavia must enter into a real dialogue on the future of Kosovo and permit immediate access to Kosovo by representatives and rapporteurs of the Commission on Human Rights.

4. Since the presence of human rights monitors in areas of conflict served as a deterrent and played a critical role in establishing accountability, the United States strongly supported the efforts of United Nations monitors in Central Africa and continued to urge the Government of the Democratic Republic of the Congo to permit the Secretary-General's investigative team to perform its mission. The United States, along with the international community, had been outraged by the massacres of innocent civilians carried out by so-called Islamic terrorists in Algeria in the past year. In view of the allegations made concerning those massacres, his country believed there was a need for a credible, independent verification of the facts. It welcomed the access being afforded by the Algerian Government to international journalists and parliamentarians and considered that a visit to Algeria by the Commission's Special Rapporteur on summary, extrajudicial and arbitrary executions and by

international non-governmental organizations would be a positive step for improving transparency and cooperation in Algeria. Within Algeria itself, all those who renounced violence should be included in the political process under way with a view to building a multiparty democracy.

5. The international community must also ensure that civil and political rights, which were critical to the development of any modern society, were considered no less a priority than the sort of economic progress that had been made in China. The United States had undertaken a constructive dialogue with the Chinese Government on that subject and welcomed the announcement by that Government that it would accede to the International Covenant on Civil and Political Rights, under which it would be required to allow all Chinese citizens freedom of expression, thought, conscience and religion. Sadly, those rights were still being repeatedly violated throughout China. Over 2,000 persons were currently imprisoned for "counter-revolutionary offences" and thousands of persons were being detained without trial for up to three years in "re-education through labour" camps. Despite laws to the contrary, torture or cruel and degrading punishment continued to occur. The Chinese people did not enjoy the right to choose their leaders in free elections above the village level. Tibetans were living under social and political controls that threatened their cultural, religious and linguistic heritage. The United States urged China to correct those abuses and to make its legislation conform to the international covenants. It was convinced that China would quickly discover, as other States had, that there was no inconsistency between social stability and freedom: on the contrary, the two were mutually reinforcing. The United States welcomed the release of Wei Jingsheng and several other dissidents and hoped that further releases would follow.

6. The international community was increasingly aware of the connection between repression of human rights at home and a country's attitude abroad. There was perhaps no better example than Iraq, where the policy of internal repression pursued by Saddam Hussein was accompanied by policies which flouted international norms and Security Council resolutions and were inimicable to the interests of the Iraqi people. The remarkable progress made in democratization around the world should not lead to complacency about certain countries that had resisted change, such as Cuba, where the political leadership was still not elected by the people, whose rights continued to be systematically violated. Burma was another such case and the international community must continue to urge the rulers of that country to respect human rights and to engage in political dialogue with Aung San Suu Kyi. In Africa as well, where severe human rights abuses continued to be committed, Governments must be pressed to undertake the process of democratization or to consolidate their fragile democracies.

7. In conclusion, he said that, on the fiftieth anniversary of the Universal Declaration of Human Rights, the international community must redouble its commitment to the promotion and protection of the human rights and fundamental freedoms laid out in that document. Only then would justice and equality become a reality for all peoples of the world.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

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(agenda item 5) (continued) (E/CN.4/1998/10/ and Add.1-2, E/CN.4/1998/21, E/CN.4/1998/22-E/CN.6/1998/11, E/CN.4/1998/23-27 and 110; E/CN.4/1998/NGO/3, 4 and 25; E/CN.4/Sub.2/1997/8; A/52/511)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 6) (continued) (E/CN.4/1998/28 and 29, E/CN.4/1998/NGO/64; A/52/473

8. Mrs. SYAHRUDDIN (Indonesia) said that the difficulties experienced by developing countries for decades hampered their efforts to provide a favourable economic, social and political environment for the full enjoyment of human rights by all their citizens. If the present trend continued, the developing countries might be excluded from the globalization process and the economic disparities between them and the industrialized nations would become intolerable.

9. It was the duty of each State individually, as well as of the international community, to eliminate those obstacles that hampered the realization of the right to development at all levels. It was the responsibility of the international community to assist Governments that requested aid to create a political, economic, social and cultural environment conducive to the enjoyment of fundamental rights and freedoms and to promote equitable economic relations at the international level.

10. The realization of the right to development called for the implementation of all human rights and the participation of all actors on the social scene. New approaches had to be established in that area in order to create the necessary conditions for growth and development through multilateral cooperation and concerted action on certain important issues such as debt, commodity trade, the transfer of technology and access to capital. That would enable States, particularly those with economic difficulties, to meet their human rights obligations. In that regard, the realization of the right to development would be an important contribution to the promotion and protection of human rights as a whole, as they were interrelated and interdependent.

11. The issue now at stake was how to ensure the actual implementation of the right to development. In that regard, her delegation welcomed the recommendations made by the Intergovernmental Group of Experts on the Right to Development in its report (E/CN.4/1998/29), particularly those relating to the establishment of a follow-up mechanism to ensure the promotion and implementation of the Declaration on the Right to Development. It also welcomed the commitment of the High Commissioner for Human Rights to playing a greater role in that area, as recommended by the General Assembly.

12. Mr. LAGOS PIZZATI (El Salvador) said that, in his country's view, the implementation of the right to development was a gradual process involving all other human rights and taking place in a stable environment so that free, democratic, just and ecological societies might be built. The fiftieth anniversary of the Universal Declaration of Human Rights would have an even greater impact if it served as an opportunity to recognize the priority nature of the right to development.

13. For many countries, it was very difficult to do away with the causes of structural poverty, social marginalization and the lack of real economic and social prospects and to consolidate the institutional and legal framework for participatory democracy. In El Salvador, a social security network had been set up to guarantee the entire population access to basic social services for the satisfaction of essential needs, including those of the most vulnerable groups. The right to development was seen as the right of each individual to have the tools required to achieve his potential. For that purpose, economic growth was necessary. If growth was not part of development, poverty, social marginalization and environmental degradation could be aggravated. In the framework of globalization, it was therefore necessary to adopt new structures and rationalize production so as to be competitive on international markets. El Salvador's recent experience had made it realize that confrontation was not a means of settling development problems and that, in order to ensure lasting human development, a "culture of peace" must be promoted.

14. His delegation welcomed the report of the Intergovernmental Group of Experts on the Right to Development (E/CN.4/1998/29) and endorsed the recommendations for the establishment of a follow-up mechanism, better coordination among United Nations bodies and other international institutions and enhanced participation of multilateral financial institutions in development efforts. In conclusion, it stressed the need to develop international cooperation among the Governments of all countries in order to guarantee the exercise of all human rights.

15. Mr. KRYLOV (Russian Federation) said that human rights were universal and interdependent. There could be no economic growth or social progress in a context of political repression, just as democracy could not triumph in extreme poverty. Glaring disparities in the enjoyment of various categories of human rights could lead to serious social and civil upheaval. The inadequate pace of economic growth, the social consequences of structural economic changes and the deterioration of terms of trade undermined the exercise of economic and social rights. That was why new approaches must be found at the national and international levels.

16. His delegation called on international financial institutions to play a more active role in drafting and underpinning social programmes. It welcomed the implementation by the World Bank of a programme aimed at developing banking services for the most disadvantaged. It considered that the involvement of multilateral financial institutions in the programmes of the High Commissioner for Human Rights and the work of the bodies of the Commission dealing with economic, social and cultural problems would yield positive results.

17. His delegation attached great importance to the preparation of the draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. It also drew attention to the need to regulate the process of imposing and lifting economic sanctions. The imposition of sanctions for undefined periods and without any preliminary evaluation of their social and economic consequences for the most vulnerable sectors of society was unacceptable. Sanctions should not be a weapon for punishing bad regimes, but a means of supporting political efforts at the international level to ensure the peaceful settlement of disputes.

18. The right to development was of particular importance because it was a means of doing away with poverty and played a preventive role in guaranteeing domestic peace, security and stability. The United Nations bodies dealing with development issues should take greater account of human rights, both civil and political and economic, social and cultural, within the framework of the coordination activities of the High Commissioner for Human Rights.

19. His delegation endorsed the global strategy proposed in the report of the Intergovernmental Group of Experts on the Right to Development (E/CN.4/1998/29) and considered that future work on the implementation of the Declaration on the Right to Development within the framework of the proposed follow-up mechanism should concentrate on the obligation of States to establish favourable conditions for development.

20. Mr. NOUROLI BA (Senegal) said that only in June 1993, at the World Conference on Human Rights in Vienna, had the right to development finally been recognized as a fundamental human right and, ever since the 1986 Declaration on the Right to Development had been adopted, the problem of its implementation remained. The legal content of that right had never been properly defined, and that was why it was so difficult to achieve. In his delegation's view, the basic and underlying concept of the right to development was the duty of solidarity. Development, human rights, international trade and the environment, which were all interrelated, had far too long been viewed separately and only the awareness of that fact by all members of the international community, individually and collectively, would ensure the full implementation of the Declaration on the Right to Development. In addition to the Commission on Human Rights, the treaty-monitoring bodies and United Nations specialized agencies should therefore contribute to that process in their respective spheres of competence.

21. Moreover, it was becoming increasingly apparent that the right to development involved all aspects of international relations, including debt problems, commodity rates, transfers of technology, access to capital, employment, environment and economic integration. His delegation therefore

considered that the Office of the High Commissioner for Human Rights had a vital role to play, as such issues could not be settled solely within the context of working or expert groups. Any decision on the implementation of the Declaration on the Right to Development should be the subject of a consensus on the multidimensional nature of the right to development and the need to take that into account in all programmes of action of United Nations bodies.

22. The establishment of a genuine partnership for development based on a permanent, frank and constructive dialogue between all those involved should be encouraged. Only then would it be possible to ensure the realization of the right to development, the fundamental right of every individual to be freed from poverty, on which the preservation of international peace and security depended.

23. Mr. KUBHEKA (South Africa) noted with great concern that, despite the numerous international and regional conventions and agreements on the control of the illicit movement and dumping of toxic and dangerous waste - which was a serious threat to the rights to life and good health - the volume of transboundary movements of toxic waste had not diminished, especially from the developed to the developing countries. That was the reason why South Africa had become a party to the Basel Convention in 1994 and had played an active role at the third meeting of States parties on the amendment of the Convention concerning the prohibition of the export of hazardous waste from OECD to non-OECD members. Novel means of circumventing international measures aimed at curbing those exports were constantly being devised and the situation was not made easier by the differences between the developed and the developing countries so far as legal and regulatory standards were concerned or by the developing countries' lack of capacity to determine the exact nature of the products imported.

24. South Africa had itself been directly affected by the problem in the 1990s, when toxic substances, including mercury, had been imported into the country. That had provoked the indignation of NGOs, without whose tenacity that environmental problem might have taken far longer to surface publicly, as the Special Rapporteur had noted in the report on her visit to South Africa (E/CN.4/1998/10/Add.2). The commissions of inquiry appointed by the Government and a general policy study had identified the need for legislative reform to close the loopholes in the current legislation and to police the relevant environmental standards more effectively. The need to strengthen public awareness of those problems had likewise been stressed.

25. South Africa realized that it had to synchronize its policies with related regional and international initiatives and therefore welcomed the Special Rapporteur's suggestion concerning the creation of regional databases on the traffic in hazardous waste. It was also interesting to note that, following a meeting of English-speaking African countries held in July 1996, the number of parties to the Basel Convention had risen to 117. Another conference of parties to the Basel Convention, held in Kuching, Malaysia, in February 1998, had underlined the need to assist the developing countries in enhancing their capacity to prevent and monitor the illegal traffic in hazardous waste and had called for the establishment of regional training centres and the transfer of technology for the management of hazardous wastes.

In 1997, in cooperation with WHO, South Africa had organized an international conference on health and environment in Pretoria, the purpose of which had been to find ways of responding to the challenges of health and the environment in the context of sustainable development.

26. It was not enough to adopt measures against the traffic in hazardous wastes. Above all, a means of implementing them effectively had to be found for, if nothing was done to put an end to such illegal practices, no nation would escape their consequences. He invited all States to cooperate closely with the Special Rapporteur in fulfilling her task and, to that end, supported the renewal of her mandate.

27. Mr. Hynes (Canada) took the Chair.

28. Mr. CHOWDHURY (Bangladesh) said that, while the protection of civil and political rights was a necessary obligation of the State in the context of its political structure and machinery for governance, the same could not be said of economic, social and cultural rights, although the latter were no less universal, fundamental and inalienable. They fell within a far broader and transnational context which was beyond the control of the State. Their realization therefore called for international action and the establishment of a complaints procedure for violations of those rights whereby victims could obtain redress under internal law, as in the case of civil and political rights, was perhaps not appropriate.

29. Traditional aid programmes had failed to eradicate poverty, which afflicted over 1 billion people throughout the world, and its result, underdevelopment. There was another, more modest, way which had emerged and was in the throes of completely transforming the world of development. It was called micro-credit, which was a system whereby banks granted small loans to destitute people to enable them to set up a small business that could generate an income for them. The success of such a system had been demonstrated on a large-scale by the Grameen Bank, which, after 20 years of existence, had more than 2 million borrowers in Bangladesh. Ninety-four per cent of those borrowers were destitute women in villages; yet the repayment rate was 98 per cent. Many independent studies attested to the positive effects of the system, which helped the poor to pull themselves out of their marginal condition, and that was essential for the realization of their economic, social and cultural rights. A micro-credit summit, held in Washington D.C. in February 1997, had resulted in a plan of action being launched to reach 100 million of the world's poorest families and especially the women of those families because experience had shown that it was often the poorest people, and especially women, who were left out of any poverty eradication programme. Yet it was they, too, who provided the impetus for the progress achieved through such new mechanisms.

30. Mr. PADILLA MENENDEZ (Guatemala) said that the report of the Intergovernmental Group of Experts on the Right to Development on its second session (E/CN.4/1998/29) contained a number of proposals on which action should be taken. That applied in particular to the recommendation that the High Commissioner for Human Rights should participate in the inter-agency task forces established by the Administrative Committee on Coordination to monitor the implementation of commitments made by States at the World Summit for

Social Development and to the drafting of strategy notes prepared by the United Nations system for different countries. It would also be helpful if the task forces could work on the basis of general indicators on civil, cultural, economic, political and social rights and, as requested by the experts in paragraph 39 of the report, if UNDP could incorporate economic, social and cultural rights into its technical assistance programmes. In that connection, his delegation regarded the UNDP annual report on human development as far more than a major reference document: it was an analysis of development by which Governments could be guided in formulating their national development plans.

31. His delegation also endorsed the idea, put forward in paragraph 37, that the Commission should suggest to treaty bodies that they amend their guidelines for national reports so that Governments would explain their position on structural obstacles to ensuring full enjoyment of the right to development and hold exchanges of views with those Governments that would enhance international cooperation and technical assistance. In that connection, it would be advisable for the High Commissioner for Human Rights to continue the dialogue with the World Bank, the IMF and other financial institutions so that they could incorporate the principles of the right to development in their programmes and projects (para. 40). With that in mind, the content and mode of application of structural adjustment programmes should be reviewed.

32. His delegation also pointed out that the principle that the law of treaties prevailed over internal law was laid down in the Guatemalan Constitution, as recommended in paragraph 65 of the report. It agreed, moreover, that some follow-up machinery for the Declaration on the Right to Development should be introduced; it could be a working group whose mandate and objects remained to be defined.

33. In order to overcome the problem of poverty, it was essential to involve the poor themselves in the measures aimed at pulling them out of their difficult situation. Micro-credit was apparently one means of doing so, as the experience in Bangladesh had shown. His own Government was endeavouring to develop the means whereby the population could exercise its economic and social rights. Sizeable loans had been made, from various social funds, for carrying out different projects, including road construction, training, environmental protection and the development of health and education services in rural areas where 80 per cent of the population lived in poverty, particularly the areas most affected by the armed conflict. Machinery had also been set up for the settlement of property disputes and to promote access to land. In the context of the agreement on socio-economic aspects and the agrarian situation which formed an integral part of the peace agreements, moreover, there were plans to grant scholarships and provide support for the creation of production units in rural and marginal urban areas with a view to promoting community organization and self-management. The machinery and conditions for guaranteeing the active participation of the population in development were thus being strengthened.

34. Mr. AKRAM (Pakistan) said he was pleased to note that, after long years of abstract discussions, the right to development had at least been recognized as a human right on the same footing as many other rights including civil and

political rights. The immediate question was to ensure the exercise of that right - a task which was even more urgent now that, with globalization, the world economy was undergoing rapid change and the possibilities for economic growth were coupled with a distinct risk of increase in poverty and of the marginalization of a large segment of the world's population. At the present time, the number of poor throughout the world stood at 2 billion and the gap between rich and poor was getting wider. Unfortunately, nothing was being done to provide all nations and all individuals with equal development opportunities and to ensure that States cooperated in order to eliminate the obstacles to development.

35. The issue that was currently the subject of futile debate was the balance between actions required at the national and international levels. As stated in article 9 of the Declaration on the Right to Development, all aspects of the right to development were indivisible and interdependent, while article 10 called for political, legislative and other measures at both the national and international levels. At the national level, development policies and implementation mechanisms already existed. More attention should now be given to the international policies that had an impact on development, having regard, in particular, to the fact that national ability to pursue developmental goals was circumscribed by decisions taken at the international level, in the context of globalization.

36. His delegation therefore suggested that the Commission might, first, monitor the status of implementation of the developmental commitments entered into by the international community, and particularly by the developed countries, at recent United Nations conferences, such as that of devoting 0.7 per cent of their GNP to official development assistance. Secondly, the Commission should ensure that equity considerations occupied a major place in the international trade regime and, if necessary, that that regime was adapted so as to enable the right to development to be realized. Thirdly, the Commission should review the working and decision-making methods of international financial and development institutions to make them more representative and more accountable for their acts. Fourthly, the Commission should establish a dialogue between the group of the main industrialized countries and representatives and leaders of the developing countries so that global economic management policies would also help to promote the right to development. Lastly, the Commission should monitor the role of the United Nations in development, including the steps which had been or should be taken by Member States to strengthen that role, both as part of the decision-making process and in the field.

37. Mr. MINE (Japan) recalled that the World Conference on Human Rights had reaffirmed that the right to development was a universal and inalienable right which was part of fundamental human rights and should therefore be promoted and protected in the same way as all other human rights. Development was a natural goal of all nations, but its promotion went hand in hand with that of human rights. The Vienna Declaration also reaffirmed the principle that the human person was the central subject of development, which meant that all individuals should have the right to participate in development and the right to enjoy it and that, accordingly, democracy was important in realizing the right to development. It was true, moreover, that primary responsibility for the realization of human rights, including the right to development, lay with

the Government of each State, but it was nevertheless important, as stated in the Vienna Declaration, for the international community to encourage effective international cooperation for the realization of the right to development and, in particular, to assist those Governments which had the political will to achieve development, but did not have the necessary systems for that purpose.

38. Issues like the right to development should be studied further within the framework of cooperation between North and South. In that connection, Japan supported the efforts of the High Commissioner for Human Rights to integrate the human rights into United Nations activities as a whole and to strengthen the advisory services and technical cooperation through which assistance was given to States, for example, in drawing up national plans of action for human rights. It also welcomed the efforts made by the OECD and UNDP to take account of human rights in their programmes. Japan itself attached great importance to human rights and democracy in its official development assistance programme and was helping countries that had the political will to promote human rights and democracy. All human rights were universal and indivisible and individual efforts and international commitment were necessary to ensure their realization.

39. Mr. ZAFERA (Madagascar) noted that, although views differed on the progress achieved in the implementation of the Universal Declaration of Human Rights, a majority of the participants in the Commission's work considered that not all the human rights set forth in the Declaration had benefited from equal, equitable and balanced treatment and that the promotion of civil and political rights had been achieved at the cost of economic, social and cultural rights. It was regrettable that, more than 10 years after the Declaration on the Right to Development had been adopted and five years after the Vienna Conference, the question of the right to development had not received the attention it deserved, whereas thousands of people throughout the world lived in absolute poverty, most of them in shocking conditions which endangered their most precious right, the right to life.

40. In his delegation's view, the right to development encompassed the right to life and the right of every person to aspire to an adequate standard of living, which meant suitable housing, healthy food, medical care and so on. In that connection, it was pleased to note the positive results of the Istanbul Declaration on Human Settlements and of the Rome Declaration on World Food Safety. Madagascar, which formed part of the group of least advanced countries, fully endorsed the provisions of the Declaration on the Right to Development, which gave States prime responsibility for the realization of the right to development. The Government had in fact made the struggle against poverty the first of its priorities. That kind of action could, however, run into obstacles of different kinds. Some were political, such as the denial of the right to self-determination, foreign occupation, flagrant violations of human rights, disregard of human rights and fundamental freedoms or even the absence of democracy, while others were economic, such as the foreign seizure of natural resources, the flight of capital, unsuitable development strategy and the destruction of the environment. Mention could likewise be made of the negative effects of economic embargoes on human rights, the foreign debt burden and, in certain countries such as Madagascar, of the natural disasters that occurred virtually every year.

41. It was vain to hope that the right to development in those countries would be fully realized through national efforts alone. It was equally unrealistic to imagine that the world would know true peace while one half of the population lived in prosperity and the other in poverty. In the era of the globalization of the economy, the notion of the interdependence of countries acquired its full meaning, involving more than ever before the strengthening of international solidarity, particularly on such basic questions as the debt burden, the social implications of structural adjustment programmes, official development assistance and participation in international trade. His delegation therefore fully endorsed the suggestions for a global strategy for the promotion and implementation of the right to development, as contained in the report of the Intergovernmental Group of Experts (E/CN.4/1998/29).

42. Mr. AL-ABOODI (Observer for the United Arab Emirates), noting that, in its resolution 51/99 of 12 December 1996, the General Assembly had reaffirmed the importance of the right to development and urged States to pursue the promotion and protection of economic, social and cultural rights, said that the Constitution of the United Arab Emirates stipulated that the goal of economic development must embrace social justice and environmental protection. It was in fact impossible to achieve sustainable development without protecting natural resources, human health and the environment. As the award of the Prize of WorldWide Fund for Nature to its Head of State showed, the United Arab Emirates had long been committed to the protection of the environment, in particular with regard to farming practices and action to combat desertification. The United Arab Emirates was aware that ecology was not confined within national and regional frontiers and it had also adopted legislation on the prevention of the pollution of the marine environment, as well as acceding to the Convention on International Trade in Endangered Species of Wild Fauna and Flora and to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. The United Arab Emirates also welcomed the report of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (E/CN.4/1998/10 and Add.1 and 2) and called on all Governments to take cognizance of the fact that the protection of the environment was an essential condition for the exercise of economic, social and cultural rights.

43. Mr. WILLE (Observer for Norway) said that the Universal Declaration of Human Rights embraced the whole field of human rights - civil, political, economic, social and cultural. Fifty years after the adoption of the Declaration, much remained to be done to translate those rights into reality. The Norwegian Government thought that particular attention must now be paid to the effective implementation of economic, social and cultural rights, for the Governments which defended human rights must also address poverty and the basic needs of the poor if they were to be credible when they campaigned against torture, the use of the death penalty, wrongful imprisonment and discrimination. Certain rights were of little use to people who were dying of hunger.

44. States bore the primary responsibility for the realization of economic, social and cultural rights and they must adopt measures to bring about a just and fair distribution to all individuals, who were the primary

beneficiaries of those rights. Their realization implied a commitment to social integration, solidarity and equality and to action focused in particular on the protection of vulnerable groups, such as the poor, the handicapped, minorities and indigenous peoples. Reducing poverty and satisfying the fundamental needs of individuals were important means of promoting human rights. The Norwegian Government participated in those efforts as part of its development cooperation and support for humanitarian organizations. It must also be stressed that the Declaration on the Right to Development emphasized the importance of participation in the development process by individuals in general and by women in particular. In fact, the Declaration related the concepts of non-discrimination and equality very directly to the protection of economic and social rights. Like most rights, the right to development was not implemented in words, but in deeds.

45. Mr. HUNDSALZ (United Nations Centre for Human Settlements) drew the Commission's attention to the importance of the right to housing, the exercise of which determined the exercise of the right to development for millions of people around the globe. The second United Nations Conference on Human Settlements (Habitat II) had reconfirmed the legal status of the right to adequate housing, as set forth in international instruments, and had stressed that it should be progressively, but fully realized. It had also clarified the obligations of Governments in that regard, mentioning in particular the need to tackle the problem of homelessness, prevent discrimination in the housing sphere, promote security of tenure, prevent illegal evictions and promote access to information, land, services and finance for affordable housing.

46. The realization of the right to housing required a combination of policy, legislative and concrete measures to enable Governments, civil society and the people themselves to improve their housing conditions in urban and rural settlements. From that perspective, Habitat attached great importance to the deliberations of the Commission and to collaboration with the Office of the High Commissioner for Human Rights. It welcomed in particular the High Commissioner's decision to make an analysis of the technical assistance provided by the United Nations in connection with human rights, for field projects, advisory services and capacity-building activities were the core of the Habitat mandate.

47. He also informed the Commission that a meeting of Global Parliamentarians for Habitat had been held in January in Cancún, Mexico, in order to review the action areas of the Habitat Agenda from the perspective of the required policy and legislative reforms.

48. Mr. GETAHUN (Observer for Ethiopia) said that the right to development derived from the development and codification of human rights standards and gave substance to the concepts of the indivisibility and interdependence of human rights. The right to development was obviously a reaction to the injustices of the modern world, where a billion people lived in luxury while another billion lived in subhuman destitution. It was not a question of favouring one set of rights to the detriment of others, but of ensuring respect for the right of all human beings to a decent and dignified life. That ideal had been affirmed in all the relevant international instruments, including the Philadelphia Declaration annexed to the ILO Constitution, the

Charter of the United Nations and the Universal Declaration of Human Rights, article 22 of which stated that everyone was entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality. The Declaration on the Right to Development was based on those same principles.

49. For Ethiopia and for other developing countries, the right to development was of vital importance, for it highlighted both the primary responsibility of States for the improvement of the living conditions of their peoples and the role of international cooperation in the creation of an economic and political environment conducive to the exercise of the right to development. In that connection, the Ethiopian delegation endorsed the conclusions and recommendations contained in the report of the Intergovernmental Group of Experts (E/CN.4/1998/29) in particular with regard to the establishment of a follow-up mechanism to ensure the promotion and implementation of the Declaration on the Right to Development. It seemed appropriate for the Commission to take full charge of the follow-up process by establishing an intergovernmental mechanism for that purpose.

50. Mr. OSAH (Observer for Nigeria) said he was not sure that the international community was treating the question of economic, social and cultural rights and the right to development correctly. It seemed in fact to lack a realistic and comprehensive strategy in the matter. Perceptions differed about the action required at the international level to support the effort to promote the right to development at the national level. In contrast, there was an unrestrained focus on the rights contained in the International Covenant on Civil and Political Rights. It did seem that that focus was carried forward at the expense of economic, social and cultural rights and to the total neglect of the right to development.

51. Satisfaction of the basic needs for food, shelter, employment, clothing, and health and education services, to mention only those few, was a matter of the most fundamental human rights and civil and political rights could flourish only in a society which could satisfy the basic needs of its people on a sustainable basis. Since poverty was the greatest violator of human rights, the international community had a responsibility to facilitate the attainment of sustainable development and growth in the countries of the Third World. Civil and political rights sounded hollow to the peoples of the developing countries living in the midst of squalor, ignorance and disease. If those peoples were to be free from want and live in dignity, the international community would have to address all rights in a collective and integrated manner. But, instead, the developing countries suffered creeping external-debt overhang, structural adjustment programmes without a human face and unilateral coercive measures. To compound the difficulties inherent in those measures, civil and political rights tended to fly in the face of the desperate realities in the developing countries. The universality and indivisibility of human rights meant that the enforcement of the right to development was a necessary condition, without which all the efforts to promote the enjoyment of all the other rights would continue to create tension, even social upheaval, at a time when the whole world was beginning to reap the peace dividend.

52. Mr. PAPPA (Observer for Switzerland) said that the World Conference on Human Rights held in Vienna in 1993 had produced a political consensus on the right to development, reaffirming that it was an integral part of human rights and fundamental freedoms. In that connection, he recalled that the Secretary-General of the United Nations, Mr. Kofi Annan, had said that the right to development was a barometer of all other rights.

53. If the right to development was to be exercised, it was first necessary to clarify a number of controversial points, in particular, the definition of the right to development itself, in order to establish the responsibilities which derived from it at the national and international levels. The only certainty today was that the human person was the central subject of development. That meant not only that the basic needs of men and women should be met and should constitute the primary goal, but also that men and women must become the agents of development. The results of recent world conferences had shown that the foundations for that new concept of development were now more solid. The effective fulfilment of the commitments undertaken at those conferences was a multidimensional task requiring a balanced, integrated and multidimensional approach. At the same time, it was important to tackle the enforcement of the right to development from a pragmatic angle, without attempting to turn it into a cure-all. In order to give the Declaration on the Right to Development its proper place, it was essential for its principles to be taken into account in the national policies of States and in international development policies. For several years now, Switzerland had been strengthening its support for concrete measures to promote human rights in the countries with which it had concluded development cooperation agreements.

54. Since development was closely linked to international trade and the policies of the international trade and development organizations, it was important to involve the relevant institutions (for example, the World Bank, IMF, WTO and the regional development banks) in the debate on the right to development. It would also be desirable to reinforce the collaboration between the High Commissioner for Human Rights and the International Labour Office, whose standards were a concrete expression of the implementation of certain economic and social rights important for development. Acceptance of the Declaration on the Right to Development also depended on improved coordination among all the human rights and other agencies of the United Nations, including UNDP.

55. Mr. VELTHEIM (Observer for Finland) said that economic, social and cultural rights, whose violation had caused great suffering, must be given the same attention as all the other human rights. Finland supported all efforts to enhance the legal and political weight of that group of rights and attached great importance to the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. It believed that those rights must be enforceable before the courts.

56. That was why, three years previously, Finland had incorporated several economic, social and cultural rights in its Constitution. The Constitution provided that everyone had the right to the minimum means of subsistence, i.e. food, clothing and housing. The other rights connected with unemployment, sickness and other similar situations would be dealt with in

specific legislation. Finland's experience showed that economic, social and cultural rights could be guaranteed in domestic law, providing everyone with the possibility of enforcing them before the competent authorities.

57. Ms. AHLUWALIA (International Federation of Red Cross and Red Crescent Societies) said that the right to food was an integral part of the right to development. The International Federation contributed to the exercise of that right by delivering emergency food aid and participating in the implementation of nutrition education programmes for its recipients. It endorsed the rights-based approach described in the report of the High Commissioner for Human Rights on the right to food (E/CN.4/1998/21), which implied that the beneficiaries of development were active subjects and claim holders and that duties or obligations were incumbent on those in a position to attend to the enforcement of those rights, in particular Governments. In that spirit, humanitarian assistance must be regarded more as a means of giving effect to those rights than as an act of charity.

58. The International Federation believed that mechanisms should be established to enable people to exercise their right to food and their other fundamental rights when the State was no longer able to guarantee them, in the event of large-scale natural disasters, for example. It would also be useful in the case of countries subjected to international economic sanctions to examine the nature of the obligations, both of the States imposing the sanctions and of the State suffering them, in the light of their humanitarian consequences. Lastly, the role of national Red Cross and Red Crescent societies in promoting the right to food at the local and national levels should be upgraded.

59. The International Federation and its national societies remained ready to cooperate with the United Nations system in order to make the right to food a reality for the millions of people in the world suffering from hunger.

60. Mr. BOUAH-KAMON (Observer for Côte d'Ivoire) said that Côte d'Ivoire was firmly committed to the principles of human rights and democracy, as its Constitution testified, and that, being aware of its responsibilities, it was trying to create an environment favourable to sustainable development, particularly by strengthening the rule of law and encouraging the growth of a responsible civil society.

61. A necessary condition for the exercise of the right to development was the removal of all obstacles to development, particularly the instability of commodity prices, the worsening of the terms of trade, the burden of external debt, the problem of access to external markets and the inadequacy of official development assistance. Accordingly, Côte d'Ivoire appealed to the international community, international financial institutions and the Office of the High Commissioner for Human Rights to solve those problems in the context of enhanced international cooperation and to give full effect to the multidimensional aspects of the right to development, which was inseparable from fundamental human rights.

62. Mr. Selebi (South Africa) resumed the Chair.

63. Ms. MOURAVIEFF-APOSTOL (International Federation of Social Workers) said that, according to article 25 of the Universal Declaration of Human Rights, adopted more than 50 years previously, everyone had the right to a standard of living adequate for the health and well-being of himself and of his family. However, paragraph 49 of a recent report of the High Commissioner for Human Rights (E/CN.4/1998/122) stated that some 25 per cent of the population in the developing world lived in extreme poverty and the percentage of those living in poverty in the developed world was increasing. The International Federation of Social Workers (IFSW) therefore urged the Commission to continue to address the issue of poverty and exclusion on the basis of the Sub-Commission's two previous studies on the topic.

64. IFSW also requested the Commission to urge all States to step up their efforts to ensure the effective exercise of the economic and social rights of their peoples, to live up to the commitments entered into at the World Conference on Human Rights and the World Summit for Social Development and to encourage a culture of peace and non-violent conflict resolution, alleviating poverty with the funds used to buy weapons. Lastly, it requested the Commission to keep itself informed of the progress made during the United Nations Decade for the Eradication of Poverty (1997-2006) and to demonstrate to the world the importance which the Commission attached to the universal realization of economic, social and cultural rights.

65. Mr. GUPTA (International Institute for Non-Aligned Studies) said that, in many cases, armed conflicts were a big obstacle to efforts to promote development and alleviate poverty. The armed groups which were opposed to modernity and condemned education, technology and economic freedoms bore a heavy responsibility for the downgrading of the human resources needed for economic and social development.

66. Confronting all those who sought only to destroy, the tenacity of people who believed that they would succeed in conquering poverty was astounding. That was true, for example, of the people of Jammu and Kashmir, who, despite the large-scale destruction wrought by the terrorists, had opted for democracy and believed in the future.

67. The alleviation of poverty must be regarded as a challenge and education had a part to play in that approach. Unfortunately, in many developing countries attempts were being made in the name of religion to deny young people the benefits of a modern education. It was clear, however, that, without science and technology, it would be impossible to eradicate poverty.

68. Mr. BOHR (International Organization for the Development of Freedom of Education) said that economic, social and cultural rights were still regarded as the poor relations of human rights. The Commission should seize the opportunity offered by the fiftieth anniversary of the Universal Declaration of Human Rights to secure the swift adoption of the draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The Protocol undoubtedly marked a step forward, for it would enable individuals to file complaints of the violation of their economic, social and cultural rights and to enforce those rights before the courts.

69. The International Organization for the Development of Freedom of Education (IODFE) attached special importance to the right to education, for its full exercise reinforced all the other rights, whether civil, cultural, economic, political or social. IODFE therefore suggested that the Commission should appoint a special rapporteur to study the right to education, particularly certain aspects of that right such as difficulties of access to primary education, assistance to the Governments of poor countries and the education of girls, topics which could not be dealt with in detail by the Sub-Commission's expert, Mr. Mehedi, who had been commissioned to draft a working paper on the topic.

70. Mr. GILL (India), speaking in exercise of the right of reply, said that it was most regrettable that the Secretary-General of the Organization of the Islamic Conference (OIC), Mr. Laraki, should once again have seen fit to comment on India's internal affairs and express views not shared by a majority of OIC States. The Indian delegation wished to point out that India was home to the second-largest Muslim population in the world, that Muslims in India were treated on an equal footing with other citizens in all aspects of national life and that India had long enjoyed ties of friendship and cooperation with OIC member States.

71. Mr. AMAT FLORES (Cuba), speaking in exercise of the right of reply, said that it seemed unlikely to him that a new spirit would reign over the work of the Commission as long as the United States claimed to be the "world's supreme ideological authority" and played the role of the "good country" which denounced the "bad ones".

72. Cuba had been described as a stubborn country which rejected any change. Cubans had in fact shown themselves to be stubborn when it came to defending their sovereignty, freedom, dignity and achievements and their right to determine their own future.

73. He proposed that the United States delegation should engage in a public and detailed discussion of the question whether citizens chose their leaders more freely and without trickery in the United States or in Cuba.

74. Mr. HUSSEIN (Observer for Iraq), speaking in exercise of the right of reply, said that the embargo imposed on Iraq by the United States had already caused more than 1 million deaths. The United States was trying to use the United Nations for its own purposes and applied a double standard with regard to human rights. It should not be forgotten that the United States Government had not baulked at injecting its own citizens with radioactive substances without their knowledge and that it was ready to test new weapons without regard to the consequences for the civilian population and the environment.

75. The Iraqi delegation hoped that the leaders of the United States and all citizens of that country who cared about human rights would bear in mind the suffering of the Iraqi people as a result of the embargo imposed on it.

76. Mr. HENDRASMORO (Indonesia), speaking in exercise of the right of reply, said that Portugal, which had oppressed the people of East Timor for centuries, was not best placed to criticize the human rights situation in that province. The living standards of the East Timorese people had risen since

the integration of East Timor into Indonesia and the people supported integration, for its turn-out in the general elections of recent years had been more than 90 per cent.

77. The situation of human rights was also improving, as Mr. Jamshead Marker, the Special Envoy of the Secretary-General of the United Nations, had attested during his recent visit to the province. In addition, Indonesia had always cooperated closely with the Office of the High Commissioner for Human Rights and the rest of the United Nations human rights machinery, including the Commission's thematic rapporteurs, some of whom had visited East Timor. It must also be pointed out that there were no political prisoners in Indonesia.

78. The unsubstantiated allegations made by the Minister for Foreign Affairs of Portugal did not contribute in any way to the creation of the atmosphere necessary for the success of the tripartite dialogue on that issue being held under the auspices of the Secretary-General of the United Nations.

The meeting rose at 6 p.m.